

LAW OFFICES
**CHASAN
 LEYNER &
 LAMPARELLO**
 A PROFESSIONAL CORPORATION
 ESTABLISHED 1957

300 LIGHTING WAY
 SECAUCUS, NEW JERSEY 07094
 TEL (201) 348-8000
 FAX (201) 348-8633
 WWW.CHASANLAW.COM

RALPH J. LAMPARELLO ***
 ROBERT A. KAYE ^
 CINDY NAY VOGELMAN
 JOHN V. MALLON **
 STEVEN L. MENAKER **
 THOMAS R. KOSIN ^
 ROBERT A. CAPPUZZO ^
 JOHN L. SHAHDANIAN II ^
 JOHN P. BEIRNE
 MICHAEL D. WITT
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 NICOLE R. CASSATA
 MITCHELL L. PASCUAL ^
 MARTHA D. LYNES
 JAMES F. DRONZEK

PETER L. MACISAAC *
 JOSEPH A. LAGANA
 MICHAEL A. D'ANTON, PH.D. ▽
 JOSEPH A. GARCIA ^
 KENNETH A. PORRO

 OF COUNSEL
 HERBERT KLITZNER
 THOMAS B. HIGHT
 KIRSTIN BOHN ^
 ROOSEVELT JEAN *
 PHILIP W. LAMPARELLO ^

 TEJAL FORRAR
 LARRY E. SCIENSKI ^

J. NICHOLAS STRASSER *
 JOHN M. TUNTEVSKI ^
 RICHARD W. FOGARTY ^
 MARIA P. VALLEJO ^
 RAYMOND J. SEGLER
 DANIEL R. LAGANA
 SAMAR SIYAM ^
 MICHAEL S. FLEMING
 CHEYNE R. SCOTT
 MOLLE F. HARTMAN
 JOSEPH E. SANTANASTO ^
 RONALD P. BOTELHO ^
 DANIEL J. GRANATELL ^
 JOSEPH M. MARABONDO
 QING H. GUO ^

COUNSEL
 JOEL A. LEYNER ^
 ARTHUR N. D'TALLIA
 THOMAS P. OLIVIERI
 NEL B. FINK ^

 RAYMOND CHASAN
 (1904-1988)

 ^ NJ & NY BARS
 * NJ & PA BARS
 ▽ NJ, NY & DC BARS
 * CERTIFIED CIVIL TRIAL ATTORNEY
 + CERTIFIED CRIMINAL TRIAL ATTORNEY

September 9, 2016

By Facsimile 973-645-3020 and NJLS

Hon. James B. Clark III, U.S.M.J.
 U.S. District Court
 District of New Jersey Newark
 Frank R. Lautenberg U.S. P.O. & Courthouse
 1 Federal Square
 Newark, New Jersey 07102

Re: Kirkland, et al. v. DiLeo, et al.
 Civil Action No. 2:12-cv-01196 (JMV-JBC)
 File No. 13653-0014

Dear Judge Clark:

This firm has been engaged to represent the interests of nonparty Nicholas P. Scutari ("Scutari") with respect to the above-referenced action. On September 6, 2016, plaintiffs filed a motion seeking permission to file a First Amended Complaint, which, among other things, names Scutari as an additional defendant. Plaintiffs' motion is presently scheduled to be decided on the papers on October 3, 2016.

It is our understanding that the Court's Pretrial Scheduling Order, dated March 30, 2015, required that "[a]ny motion to add new parties or amend pleadings, whether by amended or third party complaint, must be filed not later than **June 22, 2015.**" (Docket Entry No. 34, ¶ 12).

If the Court is nevertheless inclined to entertain plaintiffs' motion, we request permission to participate in the telephone/status conference scheduled in this matter for September 14, 2016, at 12:00 p.m. At that time, we intend to request permission to file

* Counsel for Nicholas P. Scutari
 shall participate in the telephone
 scheduled in this matter for
September 14, 2016 at 12:00 PM.

SO ORDERED

s/James B. Clark

James B. Clark, U.S.M.J.

Date: September 12, 2016

Hon. James B. Clark, U.S.M.J.
September 9, 2016
Page 2

opposition to plaintiffs' motion to amend, which we cannot e-file without the Court's approval, and seek an adjournment of the motion's return date.

We thank Your Honor for your consideration.

Respectfully,



James F. Dronzek
For the Firm

JFD/aml

c: Michael Peter Rubas, Esq. (by facsimile 201-222-1557 and FCM)
Robert F. Varady, Esq. (by facsimile 908-810-0513 and FCM)
David A. Schwartz, Esq. (by facsimile (732) 544-1462 and FCM)